

EXECUTIVE OFFICER SUMMARY REPORT
February 5, 2003

ITEM: 19

SUBJECT: PUBLIC HEARING: Administrative Civil Liability against South Coast Water District, Sewage Collection System in Orange County, for Violation of Order No. 96-04 and California Water Code Section 13267. If the discharger elects to waive their right to a hearing, the matter will be removed from this agenda to allow for a 30-day public review period. (Tentative Order No. R9-2003-0037) (Rebecca Stewart)

PURPOSE: To receive testimony from South Coast Water District, Regional Board staff and interested parties regarding the allegations and recommendations of civil liability contained in Complaint No. R9-2002-0280 (*Document No. 2*) prior to deciding whether to adopt Tentative Order No. R9-2003-0037.

PUBLIC NOTICE: The public and South Coast Water District were noticed of the hearing in the Agenda Notice for today's meeting that was distributed on January 17, 2003, and by posting on the Regional Board web site.

DISCUSSION: On December 16, 2002, Complaint No. R9-2002-0280 was issued to South Coast Water District for the following violations of Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewering Agencies*:

- a. Failure to failure to develop, implement, and maintain a Sanitary Sewer Overflow Prevention Plan in violation of Provision B.5.
- b. Failure to submit complete sanitary sewer overflow reports on 3 occasions in violation of Section B.1.e. of Monitoring and Reporting Program No. 96-04.
- c. Failure to report a sanitary sewer overflow within the 24-hour notification period required by Addendum No. 5 to Order No. 96-04.

Complaint No. R9-2003-0280 also includes one violation for failing to comply with a request for information under the authority of California Water Code section 13267.

For the violations cited above, the total amount of the proposed civil liability is \$136,100.

The Regional Board has received correspondence from Joel R. Bishop, President of the South Coast Water District Board of Directors regarding the matter (*Document No. 5*). Staff has also met with District staff regarding the Complaint and discussions are continuing. Additional documentation, including tentative Order No. R9-2003-0037, will be provided to the Regional Board in the supplemental mailing.

LEGAL CONCERNS:

None at this time.

SUPPORTING
DOCUMENTS:

1. Location Map
2. Complaint No. R9-2002-0280
3. Technical Analysis Supporting Administrative Civil Liability Against South Coast Water District for Failure to Comply with Order No. 96-04, General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewering Agencies and California Water Code Section 13267, December 16, 2002.
4. South Coast Water District letter dated January 9, 2003.

RECOMMENDATION:

A recommendation will be provided in the supplemental mailing.